

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

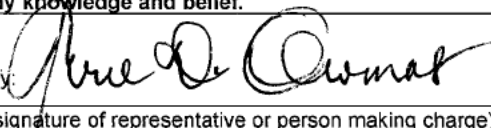
INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-265722	09-04-2020

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Valley Proteins, Inc.		b. Tel. No. (910)483-0473
		c. Cell No.
d. Address (street, city, state ZIP code) 1. 1309 Industrial Drive, Fayetteville, NC 28301 2. 222 Griffins Quarter Road, Lewiston Woodville, NC 27849	e. Employer Representative Chris Montemayor Human Resources Manager	f. Fax No.
		g. e-Mail cmontemayor@valleyproteins.com
		h. Dispute Location (City and State) Fayetteville, NC
i. Type of Establishment (factory, nursing home, hotel) chicken processing plant	j. Principal Product or Service raw material	k. Number of workers at dispute location 100
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See Attachment		

3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Electrical, Radio and Machine Workers of America	
4a. Address (street and number, city, state, and ZIP code) 4 Smithfield Street, 9th Floor, Pittsburgh, PA 15222	4b. Tel. No. (412)471-8919
	4c. Cell No.
	4d. Fax No. (412)471-8999
	4e. e-Mail ithomas@ueunion.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (412)471-8919
By:  (signature of representative or person making charge)	Office, if any, Cell No. (917)416-3806
Irene Donna Thomas, ESQ. General Counsel Print Name and Title	Fax No. (412)471-8999
Address: 4 Smithfield St., 9th Floor, Pittsburgh, PA 15222 Date:	e-Mail ithomas@ueunion.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-2794730091

ATTACHMENT

Since on about July 10, 2020, and again on July 20, 2020, and August 6, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their Union activities and the sympathies of other employees.

Since on or about July 10, 2020; and again on July 20, 2020, and August 6, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by soliciting employees' grievances and making promises to remedy the grievances.

Since on about July 17, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by engaging in threats of reprisal by making threats to employees that if they selected the union as their bargaining representative, it would ruin their relationship.

Since on about August 6, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by creating the impression of surveillance of employees' union activities.

Since on about August 6, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by asking its employees to disclose to the Employer the union membership, activities, and sympathies of other employees.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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September 8, 2020

Chris Montemayor, Human Resources Manager
Valley Proteins, Inc.
1309 Industrial Drive
Fayetteville, NC 28301

Re: Valley Proteins, Inc.
Case 10-CA-265722

Dear Montemayor:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner INGRID J. JENKINS whose telephone number is (336)582-7127. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Scott C. Thompson
Acting Regional Director



By: _____
Lisa R. Shearin
Acting Officer-in-Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Valley Proteins, Inc
222 Griffins Quarter Road
Lewiston Woodville, NC 27849

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VALLEY PROTEINS, INC.

Charged Party

and

**UNITED ELECTRICAL, RADIO & MACHINE
WORKERS OF AMERICA**

Charging Party

Case 10-CA-265722

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 8, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Chris Montemayor, Human Resources
Manager
Valley Proteins, Inc.
1309 Industrial Drive
Fayetteville, NC 28301

Valley Proteins, Inc
222 Griffins Quarter Road
Lewiston Woodville, NC 27849

September 8, 2020

Date

Kalsey Harrison,
Designated Agent of NLRB

Name

/s/ Kalsey Harrison

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



Download
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September 8, 2020

Irene D. Thomas, General Counsel
United Electrical, Radio and Machine Workers of America
4 Smithfield Street
9th Floor
Pittsburgh, PA 15222

Re: Valley Proteins, Inc.
Case 10-CA-265722

Dear Ms. Thomas:

The charge that you filed in this case on September 04, 2020 has been docketed as case number 10-CA-265722. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner INGRID J. JENKINS whose telephone number is (336)582-7127. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps

necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Scott C. Thompson
Acting Regional Director



By:

Lisa R. Shearin
Acting Officer-in-Charge

Seth T. Ford
seth.ford@troutman.com
404-885-3137

October 9, 2020

VIA E-FILING PORTAL ONLY

Ingrid J. Jenkins
Field Examiner
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, NC 27106

RE: Valley Proteins, Inc. Case 10-CA-265722

Dear Ms. Jenkins:

As you know, this firm represents Valley Proteins, Inc. ("Valley Proteins" or "the Company") in the above-referenced Unfair Labor Practice Charge filed by the United Electrical, Radio and Machine Workers of America ("Charging Party" or "the Union") on September 4, 2020. This letter serves as the Company's Position Statement in response to the Charge, as well as its response to your September 22, 2020 request for information.

STATEMENT OF POSITION

A. The Union's Allegations are Without Merit.

Valley Proteins is a corporation headquartered in Winchester, Virginia. The Company is in the rendering business, which involves the acquisition and processing of raw materials in the form of feather, offal, fat, bone, grease, hides and other similar animal by-products into finished products, such as fats and proteins, among others. Valley Proteins has an extensive trucking operation. Valley Proteins transports its materials primarily through straight and tractor trailer trucks, which it maintains and repairs. In Fayetteville, North Carolina, for example, Valley Proteins has approximately 70+ trucks at any one time.

In mid-July 2020, Valley Proteins learned of a false rumor circulating among its drivers at the Fayetteville, North Carolina facility; the rumor suggested that Valley Proteins had received \$30 million in federal relief funds as a result of the COVID-19 pandemic. The false rumor damaged driver morale, causing some drivers to express to members of management that they felt a sense of injustice that the Company allegedly received financial support during the

pandemic while the drivers did not. Moreover, some drivers indicated they felt that they should receive hazard pay for working during the pandemic and others raised questions about the availability of personal protective equipment (PPE) and related aspects of the Company's response to COVID-19.

The global environment of economic and public health uncertainty resulting from COVID-19 has created unprecedented challenges for employees and management alike. Like many other workplaces across the country, certain Valley Proteins employees understandably had questions about what the Company was doing to reduce the risk of a COVID-19 outbreak in the workplace. Moreover, many drivers had questions about the increased working hours that the Company has asked of them in order for Valley Proteins to respond to the supply chain disruptions caused by the pandemic. Beginning in mid-July 2020, the Company tried to dispel the aforementioned false rumor and advise its employees about the protective measures Valley Proteins had taken and would continue to take to reduce the risk of spreading COVID-19.

Moreover, Valley Proteins' preexisting personnel policies encourage open communication between employees and management, particularly on such issues as health & safety and disputes with management. These policies long pre-date the recent organizing efforts in Fayetteville. See, Valley Proteins Employee Handbook, attached hereto as **Exhibit A**. For example, the Company requires cooperation among employees to provide safe working conditions and employees must report any, "hazardous conditions, unsafe practices and behaviors in their work areas, and provide suggestions for their correction or improvement." *Id.* at P. 11. Similarly, as stated in part in the Company's Whistleblower Policy, Valley Proteins endeavors to provide an environment of open communication for its employees to freely share concerns about matters pertaining to their work. *Id.* at P. 14, ("The Company is committed to fostering a work environment that is open to communication regarding the Company's business practices and employee conduct.") As explained herein, the Company's response to learning of its employees' pandemic-related concerns was consistent with these pre-existing personnel policies.

During the period of July to August 2020 (i.e., the period referenced in the Charge), Valley Proteins attempted to address the pandemic-related issues raised by employees by communicating directly with its employees. For example, on or about July 10, 2020, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) over the Fayetteville facility, sent a memo to all Fayetteville employees, dispelling the false rumor about the Company's receipt of COVID-19 relief monies. See, **Exhibit B**. Following (b) (6), (b) (7)(C) July 10, 2020 memorandum, a few supervisors had informal conversations with their drivers to understand whether (b) (6), (b) (7)(C) memo had adequately addressed their concerns. As noted in the Charge, this occurred in Valley Proteins' Lewiston, North Carolina location as well as Fayetteville. As described in (b) (6), (b) (7)(C) declarations attached hereto as **Exhibits C and D**, respectively, these informal discussions also related to the rumor of a union campaign, about which some members of management had heard shortly after the false rumors described above began circulating. These discussions were casual, non-threatening, and included no hint of reprisal. Subsequently, on or about July 30, 2020, (b) (6), (b) (7)(C) circulated a second memorandum to Fayetteville employees addressing Valley Proteins' response to COVID-19, including the provision of quarantine pay, the relaxation of its attendance policy due to the pandemic, COVID-19 testing, and the provision of PPE, among other issues. See, **Exhibit E**.

Following (b) (6), (b) (7)(C) July 30, 2020 memorandum, Valley Proteins' management was surprised to find protesters picketing outside of its Fayetteville facility on or about August 5, 2020. Since the protest occurred in plain view of the Fayetteville facility, (b) (6), (b) (7)(C) observed (b) (6), (b) (7)(C) talking with the protesters. In fact, (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) nodded in acknowledgment to (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) was driving into the facility. The following day, (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) what was going on and why people they did not recognize as employees were picketing-- particularly in light of the Company's recent efforts to communicate its policies combatting COVID-19. (b) (6), (b) (7)(C) was cordial and responded that (b) (6), (b) (7)(C) was trying to figure out what was going on and was just talking with the protesters.

Subsequent to the dates referenced in the Charge, a number of workers asked for and were provided a meeting with Valley Proteins' management to discuss their proposal for the improvement of working conditions, many of which related to COVID-19. As a result of this meeting, the Company redoubled its efforts to communicate with employees about its response plan to combat COVID-19 and the benefits available to employees in the event that they are impacted by the pandemic. Valley Proteins also instituted periodic meetings with employees explaining Valley Proteins' OSHA-compliant Infectious Disease Response Plan.

Accordingly, the Union's Charge unfairly attempts to characterize the Company's response to issues raised by employees to members of management as a response to union campaign efforts. In doing so, the Union also attempts to piggyback on an unprecedented public health crisis, which necessarily required open dialogue about employee concerns as to working conditions between employees and management at Valley Proteins. While some supervisors did informally discuss the union with drivers, as described herein, the Company's focus was on the issues the drivers expressed related to the pandemic. The Charge wrongly attributes the Company's interactions with its employees during this period as being motivated by its organizing campaign rather than the Company's obvious need to respond to its employees' expressions of concern in a time of global crisis.

Moreover, the Union's allegations are lacking in merit under existing law, as explained below. While the following does not purport to describe every basis in which the Union's allegations are unsupported by law, it instead identifies some of the key shortcomings in the Union's Charge:

1. Alleged Threats of Reprisal Were Not Coercive and are Protected Employer Speech

The nature of (b) (6), (b) (7)(C) comments, alleged in the Charge as "threats of reprisal," are not only not coercive, but also fall squarely within the zone of protected employer communications under Section 8(c) of the NLRA. "The enactment of Section 8(c) in 1947 'manifested a congressional intent to encourage free debate on issues dividing labor and management,' and that policy judgment 'favor[s] uninhibited, robust, and wide-open debate in labor disputes.'" *Hendrickson USA, LLC v. NLRB*, 932 F.3d 465, 476-477 (6th Cir. 2019) (quoting *Chamber of Commerce of the U.S. v. Brown*, 554 U.S. 60, 67-68 (2008)). In labor disputes, "it has long been settled that both the employer and employees may express themselves on the merits of the dispute in order to influence its outcome." *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 762 (1976). In *Hendrickson*, the Sixth Circuit recently reaffirmed the scope of Section 8(c) protections with respect to speech which went even further than the allegations presented in the Charge. In *Hendrickson*, the

employer's speech included comments including that the "relationships suffer" when a union is involved, and "flexibility is replaced by inefficiency," "it will cost you money," and "You'll be giving up your right to speak for and represent yourself." *Hendrickson*, 932 F.3d at 476-477 ("Hendrickson had the right to emphasize the negative aspects of the loss of 'direct' relationship[.]"). Here, (b) (6), (b) (7)(C) merely expressed (b) (6)'s own personal opinion after providing the disclaimer that (b) (6) was not speaking on behalf of the Company. (b) (6)'s statements were to the effect that access to management will be less flexible due to the Union acting as an intermediary and that in (b) (6)'s opinion this would be detrimental to the current nature of the employer/employee relationship.

2. No Unlawful Impression of Surveillance Claim Exists Where Union Activities are Conducted in Plain View of the Company's Premises

The Union alleges that the impression of surveillance was created due to management's observations of a protest held in plain view of the Fayetteville facility. This allegation fails under well settled law. See, e.g., *Intertape Polymer Corp. v. NLRB*, 801 F.3d 224, 239 (4th Cir. 2015) (finding no unlawful surveillance where union representatives leafleted in front of company's gate); *NLRB v. Southern Md. Hosp. Ctr.*, 916 F.2d 932, 939 (4th Cir. 1990) ("It is firmly established that management officials may observe public union activity, particularly where such activity occurs on company premises, without violating § 8(a)(1) of the Act, unless such officials do something 'out of the ordinary.'"); *Belcher Towing Co. v. NLRB*, 726 F.2d 705, 709 (11th Cir.1984) ("[U]nion representatives and employees who choose to engage in their union activities at the employer's premises should have no cause to complain that management observes them."). No "out of the ordinary" allegations are presented by the Union in the Charge.

3. Informal Discussions Do Not Constitute Unlawful Interrogation

The informal discussions which occurred between employees and management cannot constitute unlawful interrogation because they did not have a reasonable tendency to intimidate under the totality of factors. See, *Rossmore House*, 269 NLRB 1176, 1177 (April 25, 1984) ("[T]he NLRA prohibits employers only from activity which in some manner tends to restrain, coerce or interfere with employee rights. To fall within the ambit of § 8(a)(1), either the words themselves or the context in which they are used must suggest an element of coercion or interference."); see also *NLRB v. Nueva Engineering, Inc.*, 761 F.2d 961, 965-6 (4th Cir. 1985). The *Rossmore House* factors include: (1) any history of employer hostility to the union; (2) nature of the information sought; (3) the identity of the questioner; and (4) the place and method of questioning. *Id.* Moreover, as relevant here, where there is a close working relationship between employees and supervisors, the Board has recognized that prohibiting casual questioning of union sympathies would be tantamount to ignoring the realities of the workplace. *Rossmore House*, 269 NLRB at 1177 ("Because production supervisors and employees often work closely together, one can expect that during the course of the workday they will discuss a range of subjects of mutual interest, including ongoing unionization efforts. To hold that any instance of casual questioning concerning union sympathies violates the Act ignores the realities of the workplace."). The balance of factors here weighs heavily against any determination that the questioning alleged was coercive. The Company has no history of hostility towards any union. The conversations in question arose primarily out of ongoing dialogue between management and employees regarding the impact of COVID-19 in the workplace. Moreover, as explained in the attached declarations, the place and method of questioning predominately involved one on one discussions as a result of chance encounters in

the parking lot or elsewhere in the office. Finally, the employees referenced in the Charge allegations appeared comfortable giving their opinion about unions and some expressed that unions could be of some benefit to the drivers. **See, e.g., Ex. C at ¶6, Ex. D at ¶6.** No reprisal was threatened or implied whatsoever.

For the reasons stated herein, the Charge is without merit and the Company requests that the Charge be dismissed.

RESPONSES TO SEPTEMBER 22, 2020 REQUESTS

1. State in detail whether (b) (6), (b) (7)(C) are Section 2(11) supervisors, i.e., have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. If they are not supervisors, please state so.

ANSWER:

Yes, both (b) (6), (b) (7)(C) are Section 2(11) supervisors.

2. If (b) (6), (b) (7)(C) are Section 2(11) supervisors, please provide their job titles, the classification(s) of employees each person supervises, and the number of employees each person supervises. If not a supervisor, state whether any of these individuals are the Employer's agents within the meaning of Section 2(13) of the Act.

ANSWER:

Yes, both (b) (6), (b) (7)(C) are Section 2(11) supervisors. (b) (6), (b) (7)(C) of the Fayetteville, North Carolina facility of Valley Proteins. (b) (6), (b) (7)(C) of the Lewiston, North Carolina facility. (b) (6), (b) (7)(C) has oversight of all employees at the Fayetteville facility. (b) (6), (b) (7)(C) has oversight of the Company's tractor trailer drivers in Lewiston.

3. Fully provide an organizational chart of the Employer's supervisor hierarchy at its facility located at 222 Griffins Quarter Road in Lewiston Woodville, North Carolina.

ANSWER:

See attached, **Exhibit F.**

4. State whether (b) (6), (b) (7)(C) interrogated employees about their union activities on about July 10, 2020, by asking if they would join the union or if they were part of the union.

ANSWER:

No, (b) (6), (b) (7)(C) did not interrogate employees about their alleged union activities. (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) did have a number of informal conversations with the drivers (b) (6), works with on a daily basis, as (b) (6), has throughout (b) (6), time working as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). In July 2020, in connection with conversations regarding the Company's response to issues raised by employees, and shortly after the false rumors that Valley Proteins had received federal COVID-19 relief monies, (b) (6), (b) (7)(C) had a number of informal conversations with drivers in which the issue of union organizing was also discussed. These conversations generally occurred by the drivers' trucks or in a chance encounter in the office. They were not summoned, although, as stated herein, (b) (6), (b) (7)(C) both sought out (b) (6), (b) (7)(C) the day after the protesters appeared in order to figure out why the facility was picketed. **See, Exhibit C, ¶¶ 8-10.** (b) (6), (b) (7)(C) generally recalls asking some drivers if they had heard about the rumor of a union. However, (b) (6), (b) (7)(C) does not believe (b) (6), ever asked drivers "would you join a union" or "are you a part of the union." **Id. at ¶5.** Some drivers volunteered their opinions to (b) (6), (b) (7)(C) both in favor of and against unionization, and these conversations were cordial and friendly. There was no express or implied threat of reprisal whatsoever. **Id.**

5. State whether (b) (6), (b) (7)(C) interrogated employees about their union activities on about July 10, 2020, by asking employees if they heard about employees trying to get a union going in Lewiston or Fayetteville.

ANSWER:

No, (b) (6), (b) (7)(C) did not interrogate employees about their alleged union activities. Like (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) and communicates with (b) (6), drivers on a daily basis about matters both related and unrelated to their work. As described in (b) (6), attached declaration, (b) (6), (b) (7)(C) had informal conversations in the parking lot with a number of drivers where (b) (6), asked whether they had heard anything about unionization and (b) (6), also addressed the recent false rumors about the Company receiving federal COVID-19 relief monies and the related request for hazard pay. **See, Exhibit D at ¶¶ 4-5.** Consistent with Valley Proteins' personnel policies, (b) (6), (b) (7)(C) recalls mentioning something to the effect that Valley Proteins has an open-door policy and that if any driver had concerns, they are welcome to speak with (b) (6), (b) (7)(C). Moreover, while making clear that (b) (6), was not speaking for the Company, (b) (6), (b) (7)(C) also recalls expressing (b) (6), personal opinion that if the Company unionized, the drivers would not be able to interact with management directly about their individual terms and conditions of employment and they would, instead, have to go through the union which would act as an intermediary. (b) (6), also expressed, in (b) (6), opinion, this would be detrimental to the employer/employee relationship. **Id.** There was no express or implied threat of reprisal whatsoever.

6. State whether (b) (6), (b) (7)(C) interrogated employees on or around July 20, 2020, by asking if it was a group of employees or just one or two employees who were trying to start a union.

ANSWER:

On or about July 20, 2020, (b) (6), (b) (7)(C) recalls speaking with (b) (6), (b) (7)(C) and asking whether (b) (6) thought a union would be a good thing. (b) (6), (b) (7)(C) candidly explained to (b) (6), (b) (7)(C) that (b) (6) believed there were things that a union could do to improve conditions for drivers in Fayetteville. (b) (6), (b) (7)(C) did not appear reluctant at all to speak with (b) (6), (b) (7)(C). However, (b) (6), (b) (7)(C) does not recall asking the question alleged above regarding whether it was just one or two employees trying to start a union. (b) (6), (b) (7)(C) believes that (b) (6) did ask other drivers generally their thoughts about a union in addition to (b) (6), (b) (7)(C). However, these were casual conversations which occurred outside of (b) (6), (b) (7)(C) office and did not contain any hint of reprisal.

7. State whether (b) (6), (b) (7)(C) asked employees about their opinion about the union on July 20, 2020.

ANSWER:

The Company's answer to this Request No. 7 is set forth in the Company's answer to Request No. 6, above.

8. State whether (b) (6), (b) (7)(C) asked employees on August 6, 2020, to state what the protesters were talking about and to give details about any conversations employees had with the protesters during the Union's rally on August 5, 2020.

ANSWER:

As described above, and as further set forth in (b) (6), (b) (7)(C) declaration, **see Exhibit C, at ¶¶ 9-10.** (b) (6), (b) (7)(C) was the only employee that (b) (6), (b) (7)(C) recall asking about the basis for the protesters' picketing. (b) (6), (b) (7)(C) deny asking for an inventory of specific details regarding the conversations employees had with protesters (indeed, (b) (6), (b) (7)(C) is the only employee the same individuals know spoke with protesters). Nonetheless, (b) (6), (b) (7)(C) were desiring to know why it was that they were being picketed by individuals they did not recognize as Company employees, particularly in light of all of the Company's recent efforts to communicate about its COVID-19 response. **Id. at ¶8.** The conversation was friendly and cordial and contained no threat of reprisal whatsoever.

9. State whether (b) (6), (b) (7)(C) solicited employees' grievances and made promises to remedy the grievances on about July 10, 2020, by telling employees that they can come to (b) (6), (b) (7)(C) or management anytime if they have an issue.

ANSWER:

The Company's answer to this Request No. 9 is set forth in the Company's answer to Request No. 5, above. For the avoidance of doubt, the Company reiterates that (b) (6), (b) (7)(C) comments were consistent with Valley Proteins' pre-existing personnel policies, which encourage open dialogue and prompt resolution of any issues between management and employees.

10. State whether (b) (6), (b) (7)(C) made promises to remedy employees' grievances on or around July 20, 2020, by telling employees that they were going to try to eliminate the rumors about COVID-19 hazardous pay that the Employer may or may not have received.

ANSWER:

This allegation misstates the facts. (b) (6), (b) (7)(C) do not dispute that they communicated with some drivers regarding the false rumor that Valley Proteins had received federal relief monies related to COVID-19. However, this was not a promise to remedy employees' grievances, but was an expression of the Company's independent effort to correct false and misleading information which appeared to be damaging driver morale and its relationship with its employees. (b) (6), (b) (7)(C) may have explained as much to (b) (6), (b) (7)(C) on or about July 20, 2020, but (b) (6), (b) (7)(C) are uncertain of the exact date.

11. State whether (b) (6), (b) (7)(C) told employees that they could talk to management at any time instead of talking to their fellow workers if they had any problems or concerns.

ANSWER:

Consistent with Valley Proteins' pre-existing personnel policies, (b) (6), (b) (7)(C) recalls that (b) (6), (b) (7)(C) expressed to some drivers that they could talk with management at any time. However, the remainder of the allegation above is misconstrued. (b) (6), (b) (7)(C) denies telling employees that they should not discuss problems with their fellow workers.

12. State whether (b) (6), (b) (7)(C) told employees on August 6, 2020, that the Employer had an open-door policy should employees have any problem and that employees should not fear to come and talk to (b) (6), (b) (7)(C).

ANSWER:

The Company's answer to this Request No. 13 is set forth in the Company's answer to Request No. 8, above.

13. State whether (b) (6), (b) (7)(C) solicited employees' grievances on August 6, 2020, by telling employees that the Employer was trying to find out the end game in all of the employees' activities.

ANSWER:

The Company's answer to this Request No. 13 is set forth in the Company's answer to Request No. 8, above.

14. State whether (b) (6), (b) (7)(C) solicited employees' grievances and made promises to remedy those grievances on August 6, 2020, by discussing employees' concerns and issues involving COVID-19 testing and hazardous pay regarding COVID-19.

ANSWER:

The Company's answer to this Request No. 14 is set forth in the Company's answer to Request No. 8, above.

15. State whether (b) (6), (b) (7)(C) made threats of reprisal to employees on about July 17, 2020, by telling employees that if the voted for a union, employees could not talk to management.

ANSWER:

The Company's answer to this Request No. 15 is set forth in the Company's answer to Request No. 5, above. For the avoidance of doubt, it is denied that (b) (6), (b) (7)(C) made any threats of reprisal whatsoever.

16. State whether (b) (6), (b) (7)(C) made threats of reprisal by telling employees that they would have to communicate through the union instead of directly with management and that this could ruin the employer-employee relationship.

ANSWER:

The Company's answer to this Request No. 16 is set forth in the Company's answer to Request No. 5, above. For the avoidance of doubt, it is denied that (b) (6), (b) (7)(C) made any threats of reprisal whatsoever.

17. State in detail whether (b) (6), (b) (7)(C) informed employees on August 6, 2020, that they saw the employees talking to protesters at Union's rally on August 5, 2020.

ANSWER:

The Company's answer to this Request No. 17 is set forth in the Company's answer to Request No. 8, above. For avoidance of doubt, the only employee to whom (b) (6), (b) (7)(C) recall indicating that they saw speaking with protesters at the rally was (b) (6), (b) (7)(C). In doing so, however, they were not informing (b) (6), (b) (7)(C) of that fact. Indeed, the rally was being held in plain sight of the facility, and, as related above, (b) (6), (b) (7)(C) nodded in acknowledgment when (b) (6), (b) (7)(C) saw (b) (6), (b) (7)(C) engaging with picketers as (b) (6), (b) (7)(C) was driving by in front of the Fayetteville facility. There is no basis for the allegation that the Company gave the impression of "surveillance" for an activity which the organizers, including (b) (6), (b) (7)(C), made no effort to conceal. Moreover, (b) (6), (b) (7)(C) did not understand this rally to be associated with a specific union.

18. State whether (b) (6), (b) (7)(C) asked employees on August 6, 2020, to state what the protesters were talking about and give details about the conversations the employees had with the protesters during the Union's rally on August 5, 2020.

ANSWER:

The Company's answer to this Request No. 8 is set forth in the Company's answer to Request No. 17, above.

For the reasons stated above, the Charge is without merit and the Company requests that the Charge be dismissed. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Seth Ford". The signature is stylized, with a large "S" and "F" and a distinct "D".

Seth Ford

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-265722	11/23/2020

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Valley Proteins, Inc.		b. Tel. No. (910)483-0473
		c. Cell No.
d. Address (street, city, state ZIP code) 1309 Industrial Drive, Fayetteville, NC 28301	e. Employer Representative Chris Montemayor Human Resources Manager	f. Fax No.
		g. e Mail cmontemayor@valleyproteins.com
		h. Dispute Location (City and State) Fayetteville, NC
i. Type of Establishment (factory, nursing home, hotel) chicken processing plant	j. Principal Product or Service raw material	k. Number of workers at dispute location 100

1. The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on about July 20, 2020, and again on August 6, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their Union activities and the sympathies of other employees.

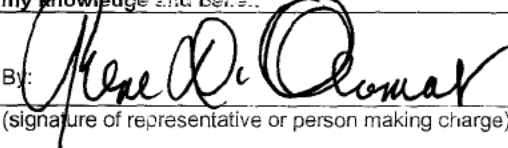
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Electrical, Radio & Machine Workers of America

4a. Address (street and number, city, state, and ZIP code) 4 Smithfield St 9th Fl, Pittsburgh, PA 15222	4b. Tel. No. (412)471-8919
	4c. Cell No. (917)416-3806
	4d. Fax No. (412)471-8999
	4e. e Mail ithomas@ueunion.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filed in when charge is filed by a labor organization)	

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 	irene D. Thomas, Esq. General Counsel	Tel. No. (412)471-8919
(signature of representative or person making charge)	Print Name and Title	Office, if any, Cell No. (917)416-3806
Address: 4 Smithfield St 9th Fl, Pittsburgh, PA 15222	Date:	Fax No. (412)471-8999
		e Mail ithomas@ueunion.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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November 23, 2020

Irene D. Thomas, ESQ., General Counsel
United Electrical, Radio and Machine Workers of America
4 Smithfield St 9th Fl
Pittsburgh, PA 15222

Re: Valley Proteins, Inc.
Case 10-CA-265722

Dear Ms. Thomas:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner Ingrid J. Jenkins whose telephone number is (336)582-7127. If the agent is not available, you may contact Deputy Regional Attorney Lisa R. Shearin whose telephone number is (336)582-7142.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence

submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

LISA Y. HENDERSON
Acting Regional Director

By:

A handwritten signature in black ink, appearing to be "J. Miller", written over a horizontal line.

Officer in Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



Download
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November 23, 2020

Chris Montemayor, Human Resources Manager
Valley Proteins, Inc.
1309 Industrial Drive
Fayetteville, NC 28301

Re: Valley Proteins, Inc.
Case 10-CA-265722

Dear Montemayor:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner Ingrid J. Jenkins whose telephone number is (336)582-7127. If the agent is not available, you may contact Deputy Regional Attorney Lisa R. Shearin whose telephone number is (336)582-7142.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence

submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

LISA Y. HENDERSON
Acting Regional Director

By:



Officer in Charge

Enclosure: Copy of first amended charge

cc: Valley Proteins, Inc
222 Griffins Quarter Road
Lewiston Woodville, NC 27849

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VALLEY PROTEINS, INC.

Charged Party

and

**UNITED ELECTRICAL, RADIO & MACHINE
WORKERS OF AMERICA**

Charging Party

Case 10-CA-265722

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 23, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Chris Montemayor, Human Resources
Manager
Valley Proteins, Inc.
1309 Industrial Drive
Fayetteville, NC 28301

Valley Proteins, Inc
222 Griffns Quarter Road
Lewiston Woodville, NC 27849

November 23, 2020

Date

Stephen J. Waring
Designated Agent of NLRB

Name

/s/ Stephen J. Waring

Signature

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT**

**IN THE MATTER OF
Valley Proteins, Inc.**

Case 10-CA-265722

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in conspicuous locations where notices to employees are customarily posted including the bulletin board(s) at its facilities located at 222 Griffins Quarter Road in Lewiston Woodville, North Carolina and 1309 Industrial Drive in Fayetteville, North Carolina. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of the Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to this evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes (b) (6), (b) (7)(C) No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.



(b) (6), (b) (7)(C)

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. As part of its 60-day report, the Charged Party will provide evidence of the steps it has taken, including copies of relevant documents to the Centralized Compliance Unit at complianceunit@nrlrb.gov. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party (b) (6), (b) (7)(C) 12/15/20		Charging Party United Electrical, Radio & Machine Workers of America	
By: Name and Title	Date	By: Name and Title	Date
(b) (6), (b) (7)(C)		Irene D. Thomas General Counsel	
Print Name and Title below		Print Name and Title below	
		Irene D. Thomas General Counsel	
Recommended By:		Approved By:	
Date 12/18/20		SCOTT THOMPSON	
/s/ Lisa R. Shearin, DRA		Digitally Signed Scott C. Thompson Officer-in-Charge, Subregion 11 for Acting Regional Director, Region 10	
		Digitally signed by SCOTT THOMPSON Date: 2020.12.18 12:48:56 -05'00' 18 December 2020	

ist

(To be printed and posted on official Board notice form)

SECTION 7 OF THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT ask you about your union sympathies or union activities.

WE WILL NOT ask you about other employees' union sympathies or union activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights under the National Labor Relations Act.

Valley Proteins, Inc.

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Telephone: (404)331-2896
Hours of Operation: 8 a.m. to 4:30 p.m.

call

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at complianceunit@nrlb.gov.

cdl



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

March 9, 2021

Andrew Henson, Esq.
Troutman Pepper Hamilton Sanders LLP
600 Peachtree Street NE, Suite 3000
Atlanta, GA 30308
andrew.henson@troutman.com

Seth Ford, Attorney
Troutman Pepper Hamilton Sanders LLP
600 Peachtree St NE Ste 3000
Atlanta, GA 30308
seth.ford@troutman.com

Re: Valley Proteins, Inc.
Case 10-CA-265722

Dear Mr. Henson and Mr. Ford:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ Miguel Rodriguez

Miguel Rodriguez
Deputy to the Assistant General Counsel

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